

The High Court at Kota Bharu held its reference on September 21, 1972. The Bench was presided over by the Honourable Justice Datuk Ibrahim bin Abdul Manan. Present in Court were the Honourable Datuk Idris bin Yusoff, Legal Adviser, Kelantan, officers of the Judicial and Legal Service, Mr. A. Wilson, Chairman of the Combined Bar Committee of Kelantan and Trengganu, several other members of the Bar in Kota Bharu and court staff.

In his address, the Legal Adviser, Kelantan, Datuk Idris bin Yusoff said:

"My Lord,

We assemble here today to pay our last tribute to aman who for about half a century has been regarded as an institution by those who are concerned with the study, practice and administration of the law — the personality I am referring to is the late Dr. B.A. Mallal who had left us on 5th September, 1972.

As we all know the late Dr. Mallal was the founder and editor of the *Malayan Law Journal* which has been held in high regard in this country. Apart from editing this Journal, he was the author and publisher of more than a dozen law books. The task of reporting the judgments of the courts is by no means an easy one and in fact a task which is financially unrewarding but despite these setbacks the late Dr. Mallal was convinced that (to quote his own words) the cause of due administration of justice can best be served by a system of law reporting on a pan-Malayan basis and reports readily made available to the judiciary and the legal profession with the least possible delay'. And to achieve this aim the late Dr. Mallal spared no efforts to give an accurate and reliable report in the Journal which has presently attained a standard which makes it indispensable to us all. His labour of love in producing an early and accurate report of the decisions of the courts and in bringing out legal commentaries and publications have placed the members of the legal profession under a great debt.

For the great contributions he has made to the legal literature, the University of Singapore in 1962 has conferred an Honorary Degree of Doctor of Laws on him, a conferment which he richly deserved. In this respect I take the opportunity to echo part of the oration of the Public Orator, Professor Tregonning at the Convocation:—

'There are not many of us here today who can share Mr. Mallal's proud achievement. He has been on the right side of the law since 1918. This must be very rare. Nor can many of us share his other achievement. He has got up here on this dais without a degree. This I think is almost unique.....'

He went on to say 'Mr. Mallal has rendered unique service to the advancement of legal knowledge in Malaya. He has written over a dozen legal books, which have been reprinted many times. His *Malayan Law Journal*, founded in 1932, is known all over the world, as are the various legal publications he has edited....'

Further he said 'Mr. Mallal has been in Malaya for over 40 years. Now at the age of 64, (with the greater part of his legal library donated to the University) he is still active in his writing, editing and publishing. His has been a life of scholarship and service to the legal fraternity, and for this we salute him here today.....'

My Lord,

On behalf of the Attorney-General and all my colleagues both in the Judicial and Legal Services I wish to extend our heart-felt condolences to the bereaved family and move that a copy of these proceedings be preserved in the archives of this court and a copy thereof be sent to the bereaved family."

Mr. Wilson, Chairman of the Combined Bar Committee of Kelantan and Trengganu, spoke next:

"May it please Your Lordship,

As the Legal Adviser said, we gather here this morning before your Lordship to remember the late Dr. Bashir Ahmad Mallal.

'Bashir' as he was affectionately known passed away on the 5th day of September, 1972.

The Legal Adviser has spoken of him. References in his honour have been held at the Federal Court, Kuala Lumpur and at the High Court, Penang. On behalf of the members of the Bar of these two East Coast States, I wish to associate myself with the warm tributes paid by the Judges, lawyers and others to Bashir.

Judges, professors, legal historians, lawyers and in fact everyone who has had anything to do with the law in Malaysia and Singapore have from the 1930's paid tributes to Bashir's industry, learning and his greatness as a courageous, humble and kind man. For anyone as junior in the law as I to applaud the part that Bashir has played in the advancement of legal literature, the legal profession, legal learning and education in Singapore and Malaysia would be impertinent. But, for this sad occasion, I would like to say all over again all that has been said by all these legal luminaries throughout these years to pay honour to the name of Bashir. To put it briefly, he was the best scholar of legal science, we have had so far in Malaysia and Singapore.

I first knew him as a law student. This may sound selfish, but I am personally indebted to him heavily in that when I commenced practice of my own in 1964, it was Bashir who supplied me books on credit to the extent of a few thousand dollars, which helped me to start the library I have today. To encourage me he presented me with a copy of the *Selected Laws 1911-1939* of the State of Kelantan.

My Lord, it is therefore with deep gratitude but with sadness that on behalf of the members of the Combined Bar of Kelantan and Trengganu I respectfully join the Legal Adviser to move that the record of today's proceedings be kept in the archives of this Court and that a copy of the record be conveyed with our condolences to the members of Bashir's family.

In concluding the proceedings, the Honourable Justice Datuk Ibrahim bin Abdul Manan replied:

"The Honourable Legal Adviser, Kelantan, Mr. Wilson, and Gentlemen,

First, let me associate myself with all the good things which have been said of the late Dr. Bashir Ahmad Mallal. Your presence here this morning in such numbers is in itself an eloquent tribute to that eminent man. He was somewhat of an institution to all of us who are concerned with the study, practice and administration of law and *The Malayan Law Journal* which he founded in 1932 and edited till his death together with his Criminal Procedure Code, The Supreme Court Practice and Digests have become something which we all cannot do without.

Dr. Mallal's life is an inspiring example of what one can achieve in any field of human endeavour even without a formal training or a university education. By sheer hard work and keen interest in it he had acquired an outstanding knowledge of the law and was able to render unique services to the legal profession and to the advancement of legal knowledge both in this country and in Singapore. Because of his life work in systematising and documenting the case laws Dr. Mallal will surely live in our legal history.

I now join with you all in extending my heart-felt condolences to his bereaved family and I direct that a record of these proceedings be preserved in the archives of this Court and a copy thereof be sent to his family."

(As a mark of respect for the late Dr. Bashir Ahmad Mallal the Court observed one minute's silence).

Proceedings were held in the High Court at Ipoh on September 23, 1972. The Bench was presided over by the Honourable Mr. Justice N. Sharma. With his Lordship on the bench was the Honourable Mr. Justice Wan Hamzah. Among those present were Encik Abdullah bin Ghazali, Legal Adviser, Perak and a large number of members of the Bar and members of the Judicial and Legal Service and members of Court staff.

Encik Abdullah bin Ghazali, Legal Adviser, Perak, addressed the Court as follows:

"My Lords,

I appear on behalf of the Attorney-General and my colleagues in the Judicial and Legal Service of the Federation. We gather here today to pay tribute to a great man who was called to higher service on 5th September, 1972. He was the late Dr. Bashir A. Mallal. His loss will, I am sure, be greatly felt in all the Courts of Malaysia and Singapore as it is in these Courts that his works find the utmost use and importance. All here will agree with me that not many of us have had the privilege of knowing the late Dr. Mallal in person. However, all of us know who he is or who he was and I daresay there is not a single working day with each of us when we do not somehow or other come across his name.

I learnt through a senior member of the Perak Bar that the late Dr. Mallal was a great personal friend of the late and illustrious Das brothers and whenever he used to visit Ipoh in those days he used to stay with them. Indeed this is no surprise, My Lords, since great men always find concourse in or with each other. The late and illustrious Das brothers were great men and so also was Dr. Mallal. They have left their great work behind to perpetuate their good names. This brings to my mind an old Malay saying which goes like this: "Harimau mati meninggalkan belang; Gajah mati meninggalkan tulang; Manusia mati meninggalkan nama." In English it roughly goes like this: "The tiger when it dies leaves its stripes, — meaning its reputation of wild ferocity behind; The elephant when it dies leaves behind a stack of bones; A man when he dies leaves behind his name." So it is up to the man or to the individual person to see to it what sort of name he is likely to leave behind when he dies — be it a good name or otherwise. In so far as Dr. Mallal is concerned, he died and left behind him a good name. I can only pray that Allah bless his soul and may he rest in peace."

Mr. F. C. Arulanandom, appearing on behalf of the Bar, then addressed the Court as follows:

"My Lords, Honourable State Legal Adviser, Officers of the Court, Members of the Bar —

We are gathered here on a very rare occasion. Rare not because Court references are rare but this is the first time we have assembled to pay tribute to a man who was not strictly a Member of the Bar. But the rareness of the occasion is consistent with the quality of the man because the late Dr. Bashir A. Mallal was a rare man, a man unequalled in this country and will never be equalled in the legal history of this country.

My Lords, on an occasion like this one cannot help but reminisce and think of experiences which one has shared with somebody who has so recently passed away. And if I can crave your indulgence I would like to reminisce for just a moment. My mind goes back to the Japanese invasion and the British surrender. I was then in the Raffles College, Singapore, and the British surrender meant to many of us the end of the world for we were homeless, penniless and without a ray of hope. Did I say without a ray of hope, My Lords? I did but that was before I realized the significance of the presence of a man like Dr. Mallal in Singapore. His eldest son had been my colleague in College and because of our friendship I had often visited his home and got to know Mr. Mallal. When he heard of my predicament he took me into his house. He sheltered me. He gave me food and in order not to hurt my pride by giving me pocket money he made me do some paltry work in some properties he was looking after. Till my dying days what he paid me was not what I deserved but I give you this experience to show the warmth of his humanity, the extent of his charity and the depth of his nobility.

The passing away of the late Dr. Mallal is a great loss to this country and to the legal profession. He has left a vacuum which cannot be filled. He has left a darkness which cannot be lighted. The M.L.J. which he produced is a remarkable compendium of cases and commentaries relevant to the law of this country and relevant to the administration of justice. It has not only contributed to the knowledge of law among the legal profession, among those interested in law, but has given dignity and status to the law of this country for few countries as small as ours can boast of reported cases which can compare with any of the reported cases in any part of the world. My Lords, if it were not for Bashir Mallal's humility, he could easily have called the M.L.J. the Mallal's Law Journal because that is what they are and if we recall in early days of law reporting in England, those who wrote them gave them their own names and never called them English Reports or the like. Here again this shows the depth of his complete humility.

My Lords, when the heart is filled with grief, the mind knows no flight of fancy. I want to say a lot about the greatness of the man but I cannot find words appropriate enough to convey his true greatness. It has been said, My Lords, that the evil that men do lives after them, the good is oft interred with their bones. There was no evil in Dr. Mallal but his good will not be interred with his bones. Legal luminaries in this country may come and they may go, their memories may fade but the memory of the late Dr. Mallal will never fade — perpetuated by the M.L.J. As long as the M.L.J. lives, Dr. Mallal will live and his memory will always be like a shining beacon to light the way of all those dedicated to the law.

My Lords, may I request a record of this proceedings be filed in the archives of this Court and a copy be sent to his next-of-kin in Singapore."

The Honourable Mr. Justice Wan Hamzah then spoke in Malay:

"Tuan Hakim N. Sharma, Encik Abdullah bin Ghazali, Encik F.C. Arulanandom, Tuan-Tuan dan Puan-Puan,

Semenjak Dr. Bashir Ahmad Mallal meninggal dunia baharu ini, banyakkah sudah ucapan takziah dan ucapan kenangan dan pujian diatas jasa-jasa nya telah tertulis atau dilafazkan. Tetapi walau bagaimana banyak sekali pun ucapan kenangan dan pujian ditulis dan dilafazkan, nampak nya tiada memadai atau menchukupi kerana jasa-jasa baik Allahyarham Dr. Bashir Ahmad Mallal sangatlah banyak dan mutu nilai jasa nya sangatlah tinggi.

Pada fikiran saya satu jalan yang sangat elok untuk menanda kenangan diatas jasa-jasa nya ialah memberi sepenoh sokongan dan bantuan kepada kerja-kerja baik yang telah ditinggalkan oleh Allahuyarham Dr. Bashir Ahmad Mallal itu, supaya bukan sahaja kerja-kerja baik yang ditinggalkan nya itu kekal tetapi juga akan bertambah subur dan maju.

Saya berdoa mudah-mudahan Tuhan cururkan rahmat diatas ruh Allahyarham Dr. Bashir Ahmad Mallal."

In reply the Honourable Mr. Justice N. Sharma said:

"My Lord, Encik Abdullah bin Ghazali, Encik F.C. Arulanandom, Ladies and Gentlemen,

One who is born must one day die. All of us all the time move towards the grave. But there are deaths that are more poignant than others even though the departed may have lived beyond the Biblical three score and ten.

Dr. Bashir A. Mallal ended his earthly career at the age of about 74 but his death is like the death of a great poet, composer or artist, for with it dies the work that he himself would have been able to continue and complete had he not departed from life.

The death of Dr. Mallal is not the tragedy involving only an author, editor, publisher and scholar, it is a tragedy involving the whole tribe or body of men interested in or connected with the law in this region and the void left behind by his death will not be easily filled.

The story of Bashir's life is the story of a life devoted to the fulfilment of the ideal of service, the story of the production of a light, the process of keeping it alive and lit bright and shining so that it may continue to throw its lustre on the dark labyrinth that our case law was in Malaysia and Singapore. He was the father of the *Malayan Law Journal* and he brought it from the cradle to youth, strength and maturity, dedicating practically every hour of his life to its care and growth, and seeing that that growth always continued to be healthy. It was the devotion, the tirelessness of the man, his zeal that made the M.L.J. a beacon we all now look to to steer safely in the difficult waters that quite often surround us. In the creation and building of that beacon Bashir had to weather storms, meet the challenge of powerful opposition and high authority that threatened to destroy his work — but villains seldom succeed. He met those challenges with courage, resoluteness, cheer and faith in God who was till the last his Guide. He came out triumphant. It is to this man of triumph and valour that we pay our homage today. He was great, yet humble, and true to the saying that he who has one order likes to hang it on his forehead but he who has ten buttons his coat over them.

Professor Ahmad Ibrahim in paying tribute on behalf of the Law Faculty of the University of Malaya very aptly said:

'In Malaysian legal history it is no exaggeration to compare Dr. Mallal's life work to that of Bracton, Glanville, Coke and Pollock in combination. He had done for the growth of Malaysia and Singapore law what these men had earlier rendered to the common law world. When a comprehensive legal history of the country is written this debt will have to be acknowledged in that Dr. Mallal's life work had made the working and growth of the law possible by supplying the Malaysian legal system with an essential lubricant.'

He produced many works of reference. I will mention only one — the *Digest of Malaysian and Singapore cases*. It was a tree planted by him, a tree which grew in a soil richly fed by the stream of knowledge flowing from Dr. Mallal's vast reservoir of legal knowledge. I might say it is to us lawyers a gift of the eyes, for without it we would be like the blind groping the dark.

A kind and loving father, he was always generous, charitable and hospitable to everyone. Walk into his office at lunch-time any working day and you would find at least a couple of eminent men of law or letters par-taking of his munificence, and the princely cheer and urbanity of his manners. He was helpful to all and all were welcome to him — students, professors, lawyers, law officers, judges. During the very hard and difficult times of the Japanese occupation his house was the abode of many. Just as the doors of his heart were always open, he could not close the doors of his house to any that went there for succour, shelter or comfort.

A talented and gifted legal craftsman that he undoubtedly was, he was also a scholar of Persian and Urdu, but he was above all a man of God and it was perhaps this last trait in his character that gave him the premonition that time had come to awaken to life immortal. It was on the 4th of September, while at his desk in the office and before he was taken ill later that very night that he wrote a note forwarding a verse in Urdu to a close friend of his indicating that the hour had come and he would soon be going to his last home. In less than 24 hours of the writing of that letter he was no more.



Work was to him worship, the soul of life and it was by a spirit of selflessness in work, without expectation of any reward that he had carved and created a prominent place on the legal map of the two territories where his name will always remain writ so large and so conspicuous and indelible that it should endure forever.

He brought to his work such an abundance of love and devotion and dedication, such intensity of feeling that it was both life — and DEATH — for him. He burnt with an inner flame which glowed through his work. This was also self consuming. In that sense he was a martyr to his ideals and what he stood for.

Martyrs never die. And it was Bashir Mallal, the mortal human that was buried in the grave. His soul, his work is beyond decay and death.

To me it has been a personal loss, the loss of a kind and cherished friend, a loss akin to the severance of a source of life — nay it is the curtailment of life itself!

I direct the Senior Assistant Registrar to preserve a record of today's proceedings in the archives of this Court and to send a copy of the same to the bereaved members of Dr. Mallal's family with an expression of the profound grief felt by us all, the Bench, the Bar, and the members of the Legal and Judicial Services in Perak."

The High Court at Seremban held a reference on September 25, 1972. The Honourable Mr. Justice Wan Suleiman bin Pawan Teh presided on the Bench. Present in court were Encik Suleiman bin Hashim, Legal Adviser, Encik Abdul Murad bin Sheikh Ismail, President of the Sessions Court, Encik Monamed bin Haji Mohamed Said, Deputy Public Prosecutor, Encik Abdul Hamid bin Yusoff, Assistant Registrar, Encik Mohamed Nor bin Abdullah, Magistrate, Encik Lee Boon Peng, Chairman, Bar Committee.

Encik Suleiman Hashim, the Legal Adviser, in his opening address said:

"May it please you, My Lord,

We meet this morning to pay tribute and to pay our formal respects to the memory of the late Dr. B.A. Mallal.

For one as junior as I am in the practice of law and in the pursuit of the study of law I do feel somewhat unequipped and somewhat inept at paying tribute to the memory of a person so distinguished as the late Dr. Mallal.

Even as long ago as in 1958, some 14 years ago, no less a person than Professor L. A. Sheridan, Dean of the Faculty of Law of the then University of Malaya in Singapore in his Foreword to Malayan Cases Vol. 2, acknowledged his own feeling of inadequacy when paying tribute to a man so distinguished as the late Dr. Mallal.

Therefore, My Lord, with your Lordship's permission I shall read, even at the risk of reading back what your Lordship would have already read, a passage from the tribute prepared by the Dean and Staff, Faculty of Law, University of Malaya. The tribute is dated September 6, 1972. The late Dr. Mallal died on September 5, 1972. And I quote,

'The legal fraternity will probably never see the likes of Dr. B. A. Mallal again. This is the measure of the loss to the legal profession when Bashir Mallal was called to higher service on 5th September. For something like half-a-century, Dr. B.A. Mallal was somewhat of an institution for those who are concerned with the study, practice and administration of the law. His claim to remembrance in legal circles is supported by more than forty years of selfless, dedicated and conscientious service to lawyers in documenting cases and publishing law books. On him have fallen the singular tasks of systematising the law reports and expounding the law at a time when even angels feared to tread on such unremunerative activities. His response to these challenges was ungrudging and his choice of complete subordination and service to the legal system and the efficient administration of justice was as noble as it was courageous. In Malaysian legal history it is no exaggeration to compare Dr. Mallal's life work to that of Bracton, Glanville, Coke and Pollock in combination. He had done for the growth of Malaysian and Singapore law what these men had earlier rendered to the common law world.'

My Lord, tributes to the late Dr. Mallal during his life time have been many.

The late Datuk Sir Roland Braddell writing in the Foreword to the 1st Edition of the Digest said:

'Once again the profession is indebted to Mr. Mallal. Mr. Mallal has introduced features into his work which make it for me a necessity.'

Sir Charles Murray-Aynsley writing in the Foreword to the 2nd Edition of the Digest said:

'Mr. Bashir Mallal has on many occasions placed us all under a sense of obligation.'

Datuk Sir James Thomson writing in the Foreword to the Supplement to the Digest in 1958 said:

'Once again Mr. Bashir Mallal has put the whole legal profession in the Federation of Malaya and Singapore under a deep debt of gratitude.'

Sir John Whyatt, Q.C. writing in the Foreword to the 4th Edition of Criminal Procedure Code said:

'Any lawyer who opens his book, even casually will at once perceive that it is the work of one who has a love of legal scholarship and legal learning, and indeed if the book has not such an inspiration, it probably would never have been written at all. The legal profession is indebted to Bashir Mallal for his scholarly work.....'

The late Dr. Mallal was conferred the Honorary Degree of Doctor of Laws by the University of Singapore on June 12, 1962. I would like to quote what the Hon'ble Mr. Justice Choor Singh said on that occasion, after he had enumerated in detail the late Dr. Mallal's achievements in the legal literary field. He said:

'All this is however only one side of the picture. There is another side which only those who call at 20, Malacca Street, can see. Doing scholarly research and publishing voluminous books are not Bashir Mallal's only achievement. He has achieved much more in the field of human kindness. Only those who have gone to him for advice or assistance have discovered this for Bashir instantly puts aside whatever he is doing and gives a patient and very receptive ear followed by very sincere advice given in a cheerful manner. No one who has ever gone to him for help has ever come away without feeling more cheerful. Law students flock to him for advice and encouragement which is readily given. Members of the Bar, congregate to ask for the "best cases" on the point of law that is troubling them for the moment. That is not all. Some even telephone during the lunch hour for the "best cases" for citation in Court at 2.15 p.m. And Bashir obliges them all, cheerfully, courteously, without a murmur of complaint. The office of the *Malayan Law Journal* is a veritable "Legal Advice Bureau" where advice is freely and ungrudgingly given not to ignorant members of the public but to those who are supposed to know the law. Bashir is undoubtedly a great man who carries on his noble and unrewarding work away from the public gaze, his only inspiration being the satisfaction of knowing that his works assist in some measure in the dispensation of justice in this part of the world. No one who has met Bashir will fail to be impressed by his genuine humility, a trait seldom seen in men have achieved so much. Longfellow was evidently thinking of men like Bashir when he wrote:

The heights by great men reached and kept  
Were not attained by sudden flight,  
But they, while their companions slept  
Were toiling upward in the night.

My Lord, my family and I have had the good fortune of knowing the late Dr. Mallal and his family.

The late Dr. Mallal was one of the persons who encouraged me to read law. I was to have read law with a younger son of his who, however, joined the Army and is now a Colonel and is the Defence Attache in the Singapore Embassy in Jakarta.

My Lord, I met the late Dr. Mallal in his Chambers, little did I think it would be for the last time, in early August this year. It was of course no surprise that no less a person than Tan Sri Justice Dr. Suffian should be with him. Tan Sri Justice Dr. Suffian had gone to Singapore to receive the Honorary Degree of Doctor of Laws from the University of Singapore.

All who had come to know the late Dr. Mallal well, called him "Uncle", affectionately and for them no visit to Singapore was complete without calling on the offices of the *Malayan Law Journal* for a chat with the grand old man.

So we see My Lord of tributes and of respects which have been paid and which no doubt will continue to be paid to the late Dr. Mallal.

My Lord, may I say in all humility, that the late Dr. Mallal's magnanimity and kindness were well-known to me.

My Lord, as is our tradition, may I request that Your Lordship direct that the record of this Reference be preserved in the archives of this Court and a copy sent to the family of the late Dr. Mallal."

The Chairman of the Bar Committee, Encik Lee Boon Peng, addressed the court next:

"May it please Your Lordship,

We are assembled here today to express our grief and sorrow at the passing away of Dr. Bashir Mallal on 5th September. Tributes to the late Dr. Mallal have been paid in the High Courts at Kuala Lumpur and Penang, and on behalf of the Bar Committee of Negeri Sembilan, it falls on me, My Lord, on this sad occasion to rise up and pay our tribute to this great man, who had achieved greatness without a formal legal education at the Inns of Court or at an University. To many of us who toil at the Bar, Dr. Mallal's *Malayan Law Journal*, his Criminal Procedure Code, his Supreme Court Practice and his Digests have been our constant and boon companions, to guide us through the mazes of the Law. Dr. Mallal's reporting of Malaysian and Singapore case law for the past 40 years has not been at times financially rewarding, but he had pursued it with a zeal and enthusiasm that is unique. It is from personal knowledge of all of us who are members of the Bar when we say that both the Bench and Bar in Malaysia and Singapore are deeply indebted and grateful to Dr. Mallal and the 'M.L.J.' for their very valuable contribution to the proper administration of justice in both countries, and it is our sincere hope that the M.L.J. will continue to provide the same help and guidance under his successors as Dr. Mallal has done so well during the past.

His had been a life of scholarship and service to the legal fraternity and for this we salute him here today.

My Lord, I now on behalf of the Bar Committee wish to extend our deepest condolences to his bereaved family and with that in mind, I support the motion of the Honourable the Legal Adviser that these proceedings be recorded and be kept in the archives of the Court and a copy thereof be sent to his family."

In reply the Honourable Mr. Justice Wan Suleiman said:

Yang Berhormat Penasihat Undang2 Negeri Sembilan, Tuan Yang Di-Pertua, Mahkamah Tengah, Seremban, Tuan Timbalan Penda'wa Raya, Negeri Sembilan, Encik Lee Boon Peng, Tuan Majisteret, and members of the Bar: I wish to associate myself in full with the moving tributes which have been paid to the late Dr. Mallal, with all those poems of praise which commenced to be sung whilst he was yet still with us, and will continue to be sung as each successive generation of lawyers begins to comprehend the extent of our indebtedness to his scholarship.

Truly has it been said that in Malaysia legal history his life work is comparable with combined efforts of Bracton, Glanville, Coke and Pollock. For more than three decades Dr. Mallal had, like a colossus bestrode, our legal scene.

We mourn the passing of a great legal scholar, a great and good friend to many, and I include myself among that fortunate number, his passing came as a great personal loss. However we will yet find solace in the knowledge that the mortal man has been immortalised in the legacy of legal learning he has bequeathed to the legal fraternity for evermore.

I order that a record of these proceedings be preserved in the archives of this Court and a copy thereof be sent to the family of one whom we are proud to call friend, mentor, guide and colleague."

The High Court at Malacca held a reference on September 29, 1972. The Bench was presided over by the Honourable Mr. Justice Pawan Ahmad bin Ibrahim Rashid. A large gathering assembled in Court and among those present were Mr. Hakam Singh Gill, the Assistant Registrar, Encik Sulaiman bin Hashim, the State Legal Adviser, Encik Abu Hashim bin Abu Bakar, President, Sessions Court, members of the Legal Service, members of the Bar and Court staff.

Encik Sulaiman bin Hashim spoke on behalf of the Attorney-General and all legal officers. He said:

"We meet this morning to pay tribute and to pay our formal respects to the memory of the late Dr. B.A. Mallal.

For one as junior as I am in the practice of law and in the study of law I do feel somewhat unequipped and somewhat inept at paying tribute to the memory of a person so distinguished as the late Dr. Mallal.

Therefore, My Lords, with your Lordship's permission I shall read, even at the risk of reading back what your Lordship would have already read, a passage from the tribute prepared by the Dean and Staff, Faculty of Law, University of Malaya. The tribute is dated September 6, 1972. The late Dr. Mallal died on September 5, 1972 and I quote:

'The legal fraternity will probably never see the likes of Dr. B.A. Mallal again. This is the measure of the loss to the legal profession when Bashir Mallal was called to higher service on 5th September. For something like half a century Dr. B.A. Mallal was somewhat of an institution for those who are concerned with the study, practice and administration of the law. His claim to remembrance in legal circles is supported by more than forty years of selfless, dedicated and conscientious service to lawyers in documenting cases and publishing law books. On him have fallen the singular tasks of systematising the law reports and expounding the law at a time when even angels feared to tread on such unremunerative activities. His response to these challenges was ungrudging and his choice of complete subordination and service to the legal system and the efficient administration of justice was as noble as it was courageous. In Malaysian legal history it is no exaggeration to compare Dr. Mallal's life work to that of Bracton, Glanville, Coke and Pollock in combination. He had done for the growth of Malaysian and Singapore law what these men had earlier rendered to the common law world.'

Tributes to the late Dr. Mallal during his lifetime have been many. The late Datuk Sir Roland Braddell writing in the Foreword to the First Edition of the Digest said:

'Once again the profession is indebted to Mr. Mallal. Mr. Mallal has introduced features into his work which make it for me a necessity.'

Sir Charles Murray-Aynsley writing in the Foreword to the Second Edition of the Digest said:

'Mr. Bashir Mallal has on many occasions placed us all under a sense of obligation.'

Datuk Sir James Thomson writing in the Foreword to the Supplement to the Digest in 1958 said:

'Once again Mr. Bashir Mallal has put the whole legal profession in the Federation of Malaya and Singapore under a deep debt of gratitude.'

Sir John Whyatt, Q.C., writing in the Foreword to the Fourth Edition, Criminal Procedure Code, said:

'Any lawyer who opens his book, even casually, will at once perceive that it is the work of one who has a love of legal scholarship and legal learning, and indeed if the book has not such an inspiration, it probably would never have been written at all. The legal profession is indebted to Bashir Mallal for his scholarly work...'

The late Dr. Mallal was conferred the Honorary Degree of Doctor of Laws by the University of Singapore on June 12, 1962.

I would like to quote what Mr. Justice Choor Singh said on that occasion, after he had enumerated in detail the late Dr. Mallal's achievements in the legal literary field. He said:

'All this is however only one side of the picture. There is another side which only those who call at 20, Malacca Street, can see. Doing scholarly research and publishing voluminous books are not Bashir Mallal's only achievements. He has achieved much more in the field of human kindness. Only those who have gone to him for advice or assistance have discovered this for Bashir instantly puts aside whatever he is doing and gives a patient and very receptive ear followed by very sincere advice given in a cheerful manner. No one who has ever gone to him for help has ever come away without feeling more cheerful. Law students flock to him for advice and encouragement which is readily given. Members of the Bar congregate to ask for the "best cases" on the point of law that is troubling them for the moment. That is not all. Some even telephone during the lunch hour for the "best cases" for citation in Court at 2.15 p.m. And Bashir obliges them all, cheerfully, courteously, without a murmur of complaint. The Office of the Malayan Law Journal is a veritable "Legal Advice Bureau" where advice is freely and ungrudgingly given not to ignorant members of the public but to those who are supposed to know the law. Bashir is undoubtedly a great man who carries on his noble and unrewarding work away from the public gaze, his only inspiration being the satisfaction of knowing that his works assist in some measure in the dispensation of justice in this part of the world. No one who has met Bashir will fail to be impressed by his genuine humility, a trait seldom seen in men who have achieved so much.'



Longfellow was evidently thinking of men like Bashir when he wrote:

The heights by great men reached and kept  
Were not attained by sudden flight,  
But they, while their companions slept  
Were toiling upward in the night.'

My Lord, my family and I have had the good fortune of knowing the late Dr. Mallal and his family.

The late Dr. Mallal was one of the persons who encouraged me to read law. I was to have read law with a younger son of his who, however, joined the Army and is now a Colonel and is the Defence Attache in the Singapore Embassy in Jakarta.

My Lord, my wife and I met the late Dr. Mallal in his Chambers, little did we think it would be for the last time, in early August this year. It was of course no surprise that no less a person than Tan Sri Dr. Suffian should be with him. Tan Sri Dr. Suffian had gone to Singapore to receive the Honorary Degree of Doctor of Laws from the University of Singapore.

And to anyone who had come to know the late Dr. Mallal and who would simply call him 'Uncle' no visit to Singapore would be complete without dropping in into the offices of the *Malayan Law Journal* for a chat with the grand old man.

So we see, my Lord, of tributes and of respects which have been paid and which no doubt will continue to be paid to the late Dr. Mallal.

As for me, My Lord, may I say in all humility that of the late Dr. Mallal's magnanimity and kindness I well know.

My Lord, as is our tradition, may I request that Your Lordship directs that the record of this Reference be preserved in the archives of this Court and a copy sent to the family of the late Dr. Mallal."

Mr. Chan Yew How, on behalf of the Malacca Bar Committee, said:

"My Lord, the melancholy event which has caused us to assemble here today cannot fail to have impressed itself on the mind of everyone present. The loss of one so eminent as Dr. B.A. Mallal not only reminds us of the uncertainty of life but also conveys a powerful reflection on the immense contribution Dr. Mallal had made to the legal fraternity in general and the legal profession in particular, all of which we have a tendency to take for granted during his life time.

Professor L.A. Sheridan, the former Dean of the Faculty of Law, University of Malaya in Singapore, has written:

'As with the academic law, so with its practice, is the accessibility of cases of fundamental prerequisite. Law reports are the raw materials of future adjudication and the person who places the precedents before the profession is a public servant of the first importance even if this is not publicly realised.'

One could not agree more with the learned Professor in the case of Dr. Mallal.

As a young lawyer's clerk in 1932, Mr. Mallal, as he then was, recognised the need for better law reporting in this region and in spite of difficulties and discouragement, launched the *Malayan Law Journal* in that year. The high quality and standard of the *Malayan Law Journal* needs no elaboration, nor his other monumental works, the Criminal Procedure Code, the Supreme Court Practice and the Digest of Malayan Case Law. These have become standard reference to be found in the libraries of almost all the legal practitioners in this country.

Dr. Mallal was a self-made man, courageous, humble and generous. He acquired a knowledge of the law the hard way and for his knowledge and contribution he was awarded an Honorary Doctor of Laws by the University of Singapore which, needless to say, he rightly deserved. For those of us who had the privilege of knowing Dr. Mallal, one finds him always available for advice and counselling. Whatever knowledge he had was always available for those who are wise enough to seek it. He was helpful both to law students and lawyers and never too busy to see anyone.

His dedication and service to the legal profession and to the advancement of legal knowledge and legal education in this country is unique and it may be a long time before the legal fraternity is privileged by another like him. May I in conclusion say that although we have lost Dr. Mallal, his memory will always be cherished by us."

The Honourable Mr. Justice Pawan Ahmad bin Ibrahim Rashid then paid tribute to the late Dr. Mallal. His Lordship said:

"The Honourable the Legal Adviser, Chairman of the Malacca Bar Committee, Members of the Bar, Court Officials and Gentlemen,

We are gathered here this morning to honour the memory of Dr. Bashir A. Mallal, the founder of the *Malayan Law Journal*, who passed away on 5th September 1972 after a brief illness.

Dr. Mallal started life as a lawyer's clerk in 1918 in the firm of Battenberg & Silva, but by sheer hard work and determination he acquired outstanding knowledge of the law without ever attending a law school. Thus he became a scholar although without a degree.

*The Malayan Law Journal* was launched in 1932 by Dr. Mallal who was then still comparatively unknown. Curiously enough Dr. Mallal set up his office in Raffles Place where all round, the Singapore law firms flourished. He carried on his diligent and conscientious service in the interests of the legal profession, though occasionally he underwent periods of great difficulty as there was little sympathy extended to one working in such a lonely and dedicated sphere. Dr. Mallal had brought out the first edition of *Mallal's Criminal Procedure* in 1931. By 1937 this book and the *Malayan Law Journal* were well established. Then he brought out the *Straits Settlement Practice*, which was the equivalent to the English *White Book*. In 1940 he brought out the *Digest of Malayan Case Law (1808-1839)*. He soon became recognised within and without Malaya in the legal world as a research worker of great industry and learning. Although Dr. Mallal produced many other smaller books he will best be remembered for the *Criminal Procedure*, the *Supreme Court Practice*, the *Digest of Malayan Case Law* and the recent publication of *Digest of Malaysian and Singapore Case Law*, which can be found in almost any law library in this country.

In appreciation of his very valuable services to the legal field Mr. Mallal was conferred with the Honorary Degree of Doctor of Laws by the University of Singapore on June 12, 1962 — exactly 30 years after he had commenced legal reporting. His effort was fully recognised as a major contribution to legal science. The honour bestowed on Mr. Mallal was richly deserved and he was highly complimented by the Chief Justices and leading lawyers both in Singapore and Malaysia. All those of us who are connected with the legal profession are deeply indebted to Dr. Mallal for the contribution he has made in the field of legal reporting. Those who had gone to him for advice had always found Dr. Mallal to be kind, courteous and considerate. He gave a patient and receptive ear and sincere advice cheerfully and ungrudgingly. I understand that law students from the University of Singapore often approached him for advice which was always readily given.

Now that Dr. Mallal is gone, I do hope that the *Malayan Law Journal* will still keep serving the community and that it will grow in strength so that its contribution to these legal field may be even greater in the years to come.

In conclusion I wish to express my deepest sympathies and condolences to the members of Dr. Mallal's bereaved family and I will make an order that the minutes of the proceedings be kept in the archives of this Court. The Court will now adjourn for a short break."